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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,293	02/13/2004	Kurt Mohr	1-25074	7430

46582 7590 10/27/2005

MACMILLAN, SOBANSKI & TODD, LLC  
ONE MARITIME PLAZA - FOURTH FLOOR  
720 WATER STREET  
TOLEDO, OH 43604

EXAMINER

NGUYEN, XUAN LAN T

ART UNIT PAPER NUMBER

3683

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/779,293

Applicant(s)

MOHR, KURT

Examiner

Lan Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 3,9-11 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,12,14 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-8, 12, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Wahnschaffe et al. (EP 0523338 A2).

Re: claim 1, Wahnschaffe et al. show a disc brake, as in the present invention, comprising: a caliper, two brake shoes 20, 20, which are pressable against both sides of a brake disc 23 and which in relation to a peripheral force generated upon application of the brake shoes against the brake disc are supported against a vehicle-fixed carrier, wherein the peripheral force in dependence upon a direction of rotation of the brake disc acts in one of two opposite peripheral force directions, as shown in figure 4 and page 18, lines 17-23; at least one device 10a for at least one of measuring and converting the peripheral force, the device being disposed in a force transmission chain between at least one of the brake shoes 20 and the carrier; and at least one force transmission member 18, which is disposed between at least one of the brake shoes 20 and the device 10a for at least one of measuring and converting the peripheral force and which is movable under guidance in a plane parallel to the brake disc wherein the at least one force transmission member 18 is disposed at one side relative to the caliper in order to

take up and transmit the generated peripheral force in only one of the two peripheral force directions as shown in figure 4 and page 18, lines 19-23.

Re: claim 2, figure 4 further shows guide 22 being rigidly coupled to the carrier.

Re: claim 4, figure 4 shows the force transmission member 18 is guided in a rotary manner, rotating about bolt 22.

Re: claim 5, as shown in figure 4, the force transmission member 18 is a swivel element, which has a swiveling axis, the axis of bolt 22, parallel to an axis of rotation of the disc 23.

Re: claim 6, figure 4 shows the swivel element 18 being coupled to the carrier by bolt 22.

Re: claims 7 and 8, figure 4 further shows two force transmission members 18, 18 and two devices 10a, 10a disposed at each side of the brake disc 23.

Re: claim 12, figure 4 and page 18, line 4, show device 10a to be a force sensor.

Re: claim 14, figure 4 shows the force transmission member 18 being profiled at a region interacting with the brake shoe 20 and wherein the at least one brake shoe has a complementary profiling.

Re: claim 15, Wahnschaffe et al. show a vehicle brake system having a disc brake, as in the present invention, comprising a caliper, two brake shoes 20, 20, which are pressable against both sides of a brake disc 23 and which in relation to a peripheral force generated upon application of the brake shoes against the brake disc are supported against a vehicle-fixed carrier, wherein the peripheral force in dependence upon a direction of rotation of the brake disc acts in one of two opposite peripheral force

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directions, as shown in figure 4; at least one device 10a for at least one of measuring and converting the peripheral force, the device being disposed in a force transmission chain between at least one of the brake shoes 20 and the carrier as shown in figure 4; and at least one force transmission member 18, which is disposed between at least one of the brake shoes 20 and the device 10a for at least one of measuring and converting the peripheral force and which is movable under guidance in a plane parallel to the brake disc, member 18 rotates about the axis of bolt 22, wherein the at least one force transmission member is disposed at one side relative to the caliper in order to take up and transmit the generated peripheral force in only one of the two peripheral force directions, as shown in figure 4 and page 18, lines 19-23.

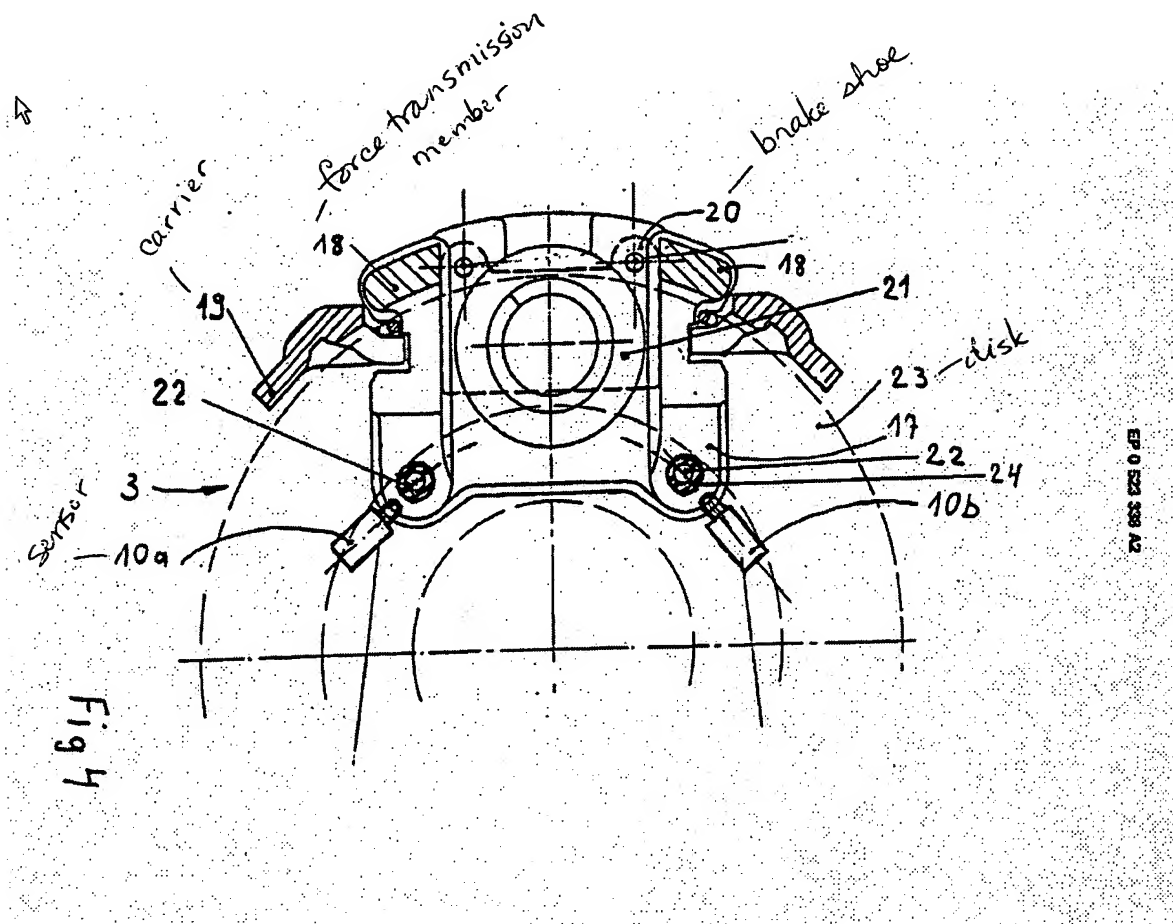
### ***Response to Arguments***

3. Applicant's arguments filed 7/22/05 have been fully considered but they are not persuasive.

Applicant argues that the sensors 10a, 10b are not located between the brake shoes and the carrier because page 18 states that sensors 10a, 10b are located in the area of the attachment point of the disk brake on the wheel side, that is, in the area of the threaded bolts 22. The Examiner would like to point to figure 4 as marked below that sensors 10a, 10b are located between the brake shoes and the carrier.

Applicant further argues that the force transmission members 18 are not located between the brake pad 20 and the one of the sensors 10a, 10b; and are clearly not moveable under guidance in a plane parallel to the brake disc. The Examiner maintains

that the force transmission members 18 are located between the brake pad 20 and the one of the sensors 10a, 10b; and are clearly moveable under guidance in a plane parallel to the brake disc, as marked below.



Applicant also argues that claims 1 and 10 recite "wherein the at least one force transmission member is disposed at one side relative to the caliper in order to take up and transmit the generated peripheral force in only one of the two peripheral force directions." while Wahnschaffe shows in page 2 and page 6 that Wahnschaffe's brake is designed to sense and compare relative braking forces exerted in both opposite peripheral directions. It is unclear of the difference that being argued by the Applicant.

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Wahnschaffe's arm 18 on the left is for transmitting the peripheral force on the left and arm 18 on the right is for transmitting the peripheral force on the right as claimed in claims 1 and 10. How the signals from sensors are being processed (i.e. compared in order to determine a condition of an incline) by the ECU is not mentioned in claims 1 or 10.

The rejection is still deemed proper and is repeated above.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on M-F, 8 to 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571) 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 10/24/05  
Lan Nguyen  
Primary Examiner  
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